



Mary-Ann Warmerdam
Director

Department of Pesticide Regulation



Arnold Schwarzenegger
Governor

San Joaquin County Pesticide Regulatory Program 2007/2008 Performance Evaluation Report

**California Environmental Protection Agency
Department of Pesticide Regulation
1001 I Street
Sacramento, California 95814**

September 24, 2008

Performance Evaluation of San Joaquin County Agricultural Commissioner Pesticide Use Enforcement Program

This report provides a performance evaluation of San Joaquin County Agricultural Commissioner's (CAC's) pesticide use enforcement (PUE) program for the fiscal year 2007-2008. The assessment evaluates the performance of goals identified in the CAC's enforcement work plan as well as the program's adherence to Department of Pesticide Regulation (DPR) standards as described in the Pesticide Use Enforcement Standards Compendium.

I. Summary Report of Core Program Elements

A) Restricted Materials Permitting:

The restricted materials permitting program element was found to meet DPR standards and work plan goals.

B) Compliance Monitoring:

The compliance monitoring program element was found to meet DPR standards, but fell short of work plan goals due to new biologists learning the program and a reduction in staff.

C) Enforcement Response:

The enforcement response program element was found to meet DPR standards and work plan goals.

Summary Statement:

San Joaquin CAC's pesticide use program is currently effective

II. Assessment of Core Program Effectiveness and Work Plan Goals

A) Restricted Materials Permitting:

1) Permit Issuance

The San Joaquin CAC permit issuance procedures and performance were evaluated through observation and interviews of relevant staff and found to conform to DPR standards and expectations. The ten biologists that issue permits all possess Pesticide Regulation, and Investigation and Environmental Monitoring licenses. The DPR evaluation determined that permits are:

- Issued only to qualified applicants;
- Signed by authorized persons;
- Issued for time periods allowed by law; and
- Amended according to approved procedures.

2) Site Evaluation

The San Joaquin CAC site evaluation procedures were evaluated through observation, record review, and interviews of relevant staff and found to conform to DPR standards and expectations. The CAC maintained 1,814 agricultural

permits and 19 nonagricultural permits during the 2007-2008 fiscal year. The permits:

- Contained the necessary information;
- Identified treatment areas and sensitive areas that could be adversely impacted by the permitted uses; and
- Identified mitigation measures and included conditions that addressed known hazards.

The CAC staff adequately evaluated permits and determined if the use of feasible alternatives was required. They reviewed almost all NOIs in a timely manner and adequately monitored agricultural and nonagricultural permits utilizing pre-application site evaluations and use monitoring inspections.

B) Compliance Monitoring:

1) Inspections

The San Joaquin CAC permit inspection procedures and performance were evaluated through DPR oversight inspections and record review and found to conform to DPR standards and expectations. Biologists that possess Pesticide Regulation, and Investigation and Environmental Monitoring licenses perform inspections according to the inspection strategy documented in the CAC's enforcement work plan. Inspections are performed according to DPR policies and procedures and inspection reports are complete and comprehensive. The inspections adequately provide the information necessary to successfully prosecute violations.

Inspections performed by the CAC were found to:

- Adequately address label, law and regulatory requirements;
- Include interviews of employers and employees as appropriate;
- Adequately document violations; and
- Include appropriate follow-up inspections and procedures.

2) Investigations

The San Joaquin CAC investigation procedures and performance were evaluated through observation, record review, and interviews of relevant staff and found to conform to DPR standards and expectations. The CAC investigates all complaints and completes reports in a timely manner. The CAC refers and or notifies DPR and other agencies as required.

Investigations are thorough and complete and submitted on approved forms and in the approved format. The investigations document violations and the CAC collects evidence according to DPR standards. The investigations adequately provide the information necessary to successfully prosecute violations.

C) Enforcement Response:

The San Joaquin CAC enforcement response was evaluated through observation, record review, and interviews of relevant staff and found to conform to DPR standards and expectations. The CAC's enforcement program was found to:

- Initiate the appropriate action when violations are identified;
- Sufficiently support compliance, enforcement and public protection actions, and;
- Ensure that due process requirements are met when taking an enforcement or permit action or when initiating a private applicator certification or registration refusal/revocation.

The CAC levies fines in the appropriate category, adheres to statutory time frames and follows DPR policies when imposing civil penalties.

III. Recommended Corrective Actions

For most of the 07/08 fiscal year San Joaquin County operated with one less biologist than normal resulting in a small reduction in compliance monitoring activities. This district office vacancy, and the need to train new biologists, have impacted the ability to meet work plan goals. San Joaquin County is working to recruit and train new staff to assure the number of use-monitoring inspections meets work plan goals. This criterion will be monitored throughout the year and reassessed in the 2009 evaluation.

IV. Non-Core and Desirable Activities

Outreach and Training

The San Joaquin CAC's office performs bilingual (English/Spanish) training to industry employees on pesticide laws and regulations and worker safety. Last year 44 continuing education sessions were provided with a total of 3,345 people attending. The CAC also provides outreach materials that assist restricted material permittees, as well as operator identification number holders, to comply with pesticide laws, regulations and worker safety requirements.